

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL KILGORE,

Defendant.

CASE NO. CR17-0203-JCC

ORDER

This matter comes before the Court on the Government's unopposed Motion for Entry of an Order of Forfeiture ("Motion") (Dkt. No. 373) seeking to forfeit, to the United States, Defendant Darryl Kilgore's interest in the following property:

1. A sum of money in the amount of \$160,011.87, representing the remaining proceeds Defendant personally obtained from the Conspiracy offense charged in Count 1 of the Superseding Information.

Defendant has acknowledged this sum of money is separate and distinct from the restitution that is ordered in this case. The United States has agreed, however, that it will request the Attorney General apply any amounts it collects toward satisfaction of this forfeited sum to the restitution that is ordered in this case. The United States also agrees that any amount Defendant pays toward restitution will be credited against this forfeited sum.

1 The Court, having reviewed the Government's Motion, as well as the other papers and
 2 pleadings filed in this matter, hereby FINDS that entry of an Order of Forfeiture is appropriate
 3 because of the following:

- 4 • The above-identified sum of money in the amount of \$160,011.87 is forfeitable pursuant
 5 to 18 U.S.C. § 982(a)(2)(A), by way of 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C.
 6 § 2461(c), as it represents proceeds Defendant obtained from his commission of
 7 Conspiracy, as charged in Count 1 of the Superseding Indictment (Dkt. No. 362);
- 8 • Pursuant to the plea agreement he entered on June 3, 2021, Defendant agreed to forfeit
 9 the above-identified sum of money pursuant to 18 U.S.C. § 982(a)(2)(A), by way of 18
 10 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 2461(c) (Dkt. No 369, ¶ 14); and
- 11 • This sum of money is personal to Defendant; pursuant to Federal Rule of Criminal
 12 Procedure 32.2(c)(1), no third-party ancillary process is required before forfeiting it.

13 Accordingly, the Court ORDERS as follows:

14 1. Pursuant to 18 U.S.C. § 982(a)(2)(A), by way of 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C.
 15 § 2461(c), and his plea agreement, Defendant's interest in the above-identified sum of money in
 16 the amount of \$160,011.87 is fully and finally forfeited, in its entirety, to the United States;

17 2. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A)–(B), this Order will
 18 become final as to Defendant at the time he is sentenced, it will be made part of the sentence, and
 19 it will be included in the judgment;

20 3. No right, title, or interest in the above-identified sum of money exists in any party other
 21 than the United States;

22 4. Pursuant to Federal Rule of Criminal Procedure 32.2(e), in order to satisfy this sum of
 23 money, in whole or in part, the Government may move to amend this Order, at any time, to
 24 include substitute property having a value not to exceed the amount of \$160,011.87; and,

25 5. The Court will retain jurisdiction in this case for the purpose of enforcing this Order, as
 26 necessary.

1 DATED this 20th day of August 2021.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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